

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENT BAILEY,

Defendant.

4:12-CR-3034

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's pro se "Motion to File New 2255," seeking permission to file a second motion to vacate his sentence pursuant to [28 U.S.C. § 2255](#) (filing [102](#)). The motion will be denied.

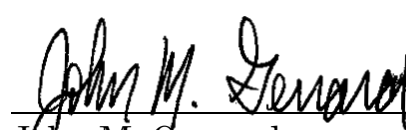
The Antiterrorism and Effective Death Penalty Act of 1996 imposed procedural requirements on federal prisoners who wish to file "second or successive" motions to vacate their sentences. The AEDPA amended [28 U.S.C. § 2244\(b\)](#) to preclude the filing of any subsequent habeas corpus petition absent certification by a panel of the appropriate court of appeals for the circuit in which the district court is located, authorizing the district court to consider the successive application. Section 2255 provides that a second or successive § 2255 motion may not be filed without appellate court approval in the manner provided in § 2244. If the defendant wants to file a second § 2255 motion, he must seek leave to do so from the U.S. Court of Appeals for the Eighth Circuit, in the manner provided in § 2244.

IT IS ORDERED:

1. The defendant's "Motion to File New 2255" (filing [102](#)) is denied.

Dated this 28th day of August, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge